

Washington sex offenders, ACLU sue to hide low-level offenders' identities

Teen molester's mom: Disclosure would hurt my son's victims

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“My family would lose everything.”

That’s the argument made by a King County sex offender terrified his name will be publicized if the State Patrol releases the sex offender registry it maintains.

A married father of two convicted of sex crimes in 2009, the man is one of two low-level sex offenders brought forward by the American Civil Liberties Union in a lawsuit aimed at stopping the state from releasing the names of 21,000 registered sex offenders residing in Washington.

At issue in the lawsuit are “level one” offenders, convicts judged by police evaluators to pose the least risk of further sex crimes. The names of offenders deemed more likely to commit additional sex crimes – “level two” and “level three” offenders – are already broadcast on [free, public websites maintained by state law enforcement](#).

Filing the potential class action lawsuit earlier this month, attorneys for the offenders contend their identities and addresses should not be released to a Franklin County woman who has requested the entire database under the state public records act.

Attorneys for the State Patrol argue that the database – like the criminal convictions underlying the registry – isn’t protected by state privacy law and should be released. They also note the database has previously been released to numerous civic and media organizations, including the YMCA.

On Thursday, a King County Superior Court judge issued a preliminary injunction blocking the release of the database until the case can be fully heard. Such orders are the norm in public records disclosure lawsuits – there wouldn’t be much point to it if documents are released before the case is decided.

Represented by the ACLU and private attorneys, the offenders contend they should be able to live in the relative privacy afforded them by the “level one” classification.

Aside from administrative differences which lower the registration burden placed on them, level one offenders enjoy one big benefit over their higher-level contemporaries – their photos, names and crimes aren’t listed on the county sex offender sites. Additionally, while their past crimes are still reported to schools they attend, but police aren’t empowered to notify the community they live in.

That lower level of notoriety is earned by scoring well on a review conducted by law enforcement, and by meeting the obligations placed on them.

In a statement to the court, the King County man – “John Doe B” in the lawsuit – contended he’s complied with probation, reported any violations of his treatment plan and has avoided sanctions from his parole officer and counselor. Still, he could lose his job and shame his family if the larger community was better informed about his past.

“Knowing the public opinion about sex offenders, and the bias and hatred that many people have toward registered sex offenders, I’m worried about mental and physical abuse to my family and myself,” the man said in a Dec. 5 statement to the court.

Filing the lawsuit in King County Superior Court, attorneys for the offenders argued the State Patrol should not release its statewide database to Donna Zink, a resident and former mayor of Mesa. [Reports in the Tri-City Herald](#) and elsewhere indicate [Zink has been attempting to compile a comprehensive list of Washington’s registered sex offenders](#).

In a statement Friday, ACLU of Washington staff attorney Vanessa Hernandez argued publicizing the database endangers offenders.

“Being identified publicly as a sex offender puts individuals at risk of being harassed, assaulted, or losing jobs and housing,” Hernandez said via an email sent by an ACLU spokesman. “The government should follow the state’s sex offender registration law, which says that names of these individuals should not be released automatically to the general public.”

Responding to the lawsuit for the State Patrol, Assistant Attorney General Shelley Williams said the offenders’ complaint is largely moot – the cat is already out of the bag.

The state has previously released the information Zink requested to other agencies, non-profit organizations, the general public and the media. Among the organizations that have previously received the database are the YMCA, an Eastern Washington housing authority and the Seattle Post-Intelligencer. The Kitsap Sun received a complete copy of the database in March 2012.

Writing the court, Williams said state law simply does not protect the sex offender database from public disclosure. Beyond that, court records already provide the information the offenders would have the court hide from the public.

“The plaintiffs’ key concern is being identified as convicted sex offenders,” Williams said in court papers. “The fact that a person has been convicted of a sex offense has long been accessible by the public.

“Not only is a sex offender’s conviction readily available ... but the intimate details of an offender’s life are also potentially open to the public.”

To support their claims of concern, attorneys for the offenders submitted statements to the court for the families of the men and boys whose identities would be released to Zink.

Nearly all those statements came from the parents or guardians of offenders convicted as children. Most of the offenders were convicted of sex assaults against family members, which is to be expected.

While research into the issue varies, estimates are that 1-in-4 to 1-in-3 sexual assaults against children are committed by family members, according to the Crimes Against Children Research Center at the University of New Hampshire. Juvenile offenders commit about one third of all sex assaults against children.

The offenders' parents and guardians said releasing the registry would shame the offenders unduly and could expose their victims as well. All argued publicity would make it harder for the offenders to get on with their lives.

"If publicizing level one sex offenders' names and pictures prevented sexual abuse, protected victims or helped protect children in the community, I would continue to be an ardent supporter of public notification laws," the mother of a young man convicted of molesting three younger siblings said in court papers. "However, as a mother who has experienced the other side of abuse, I only see the harmful effects and humiliation public notification causes families and most especially the victims of sexual abuse who are children."

Another woman – mother to a son who sexually assaulted two of her young nieces – argued releasing low-level offenders' names as "tantamount to bullying."

"Other people shouldn't be able to have the power to influence the rest of the people's lives," the woman said in a statement to the court. "Yes, the offenders have done that with their choices, but they have been in court for that and are making their restitution and changes in their lives."

On Thursday, King County Superior Court Judge Jean Rietschel issued a preliminary injunction against the state barring the release of the database until the lawsuit is resolved. A trial date has not yet been set.

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